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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,227	09/29/2000	Scott R. Sargent	10022/035	9555

33391 7590 12/16/2004

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EXAMINER
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KANG, PAUL H

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/676,227

Applicant(s)

SARGENT ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/2/04, 9/24/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Examiner Jiman Khosravan is no longer assigned to the present patent application. This application is now assigned to Examiner Paul H. Kang. In examining this patent application, full faith and credit has been given to the search and action of the previous examiner. See MPEP § 719.05.

2. Claims 1-47 are pending. Claims 1-47 are rejected. Applicant's Request for Reconsideration, filed August 4, 2004, has been fully considered, but is not deemed to be persuasive. The grounds of rejection found in Office action mailed April 7, 2004 is maintained. For the convenience of the applicant, the previous Office action is repeated below.

#### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 6, and 26-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-35 of copending

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Application No. 09/675,232. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims a communication service architecture that is also incorporated in the current application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

5. Claims 4, and 13-15 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 11, and 12, of copending Application No. 09/677,136. Although the conflicting claims are not identical, they are not patentably distinct from each other because the copending application claims a netcentric application framework where applications process automated tasks, provide support to the users, and is connected to a web server, which are all incorporated in the current application

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

6. Claims 23-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of copending Application No. 09/675,913. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim database and document services.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7. Claims 39-41 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending

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Application No. 09/677,074. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a base service architecture.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

8. Claims 7, and 16-21 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 09/677065. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim development architecture layer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Claims 22-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-56 of copending Application No. 09/706,012. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim an execution architecture layer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

10. Claim 43 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of copending Application No. 09/706,576. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim an operations architecture for a computing system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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11. Claim 22 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 09/677,135. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both claim a presentation service layer.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

*Claim Rejections ~ 35 U.S.C. § 102*

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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13. Claims 1-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (US 6,289,382).

a) As per claim 1, Bowman-Amuah teaches an architecture for a netcentric computing system, comprising a business solutions architecture layer (Figure 48, "Business Requirements" is part of the business solutions layer), an application architecture layer in communication with said business solutions layer (Figure 48, "Application"), a technical architecture layer in communication with said application architecture layer (Figure 48, "Infrastructure" & "System Software" are both parts of the technical architecture layer), and a platform architecture layer in communication with said technical architecture layer (Figure 48, "Hardware/Network" is part of the platform architecture layer); (Col. 33, lines 8-63: Wherein three-tiered architectures and sometimes an extra application layer all communicate with each other; Col. 160, lines 59-67; Col. 161, lines 1-26).

b) As per claim 2, Bowman-Amuah teaches the claimed invention above and further teaches wherein the business solution's architecture layer includes an environment layer, a business requirements layer, and a data architecture later (Figure 48: "Environment," "Business Requirements," & "Data Architecture" are part of "Business Perspective").

c) As per claim 3, Bowman-Amuah teaches the claimed invention above and further teaches wherein the technical architecture layer includes an infrastructure layer and a system software layer (Figure 48: "Infrastructure," & "System Software;" Col. 10, lines 18-55; Col 31, lines 44-67).

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d) As per claim 4, Bowman-Amuah teaches the claimed invention above and further teaches where the platform architecture layer includes a hardware/network layer (Figure 48, "Hardware/Network;" Col. 10, lines 18-44).

e) As per claim 5, Bowman-Amuah teaches the claimed invention above and further teaches the system software layer includes a netcentric execution architecture, a development architecture and an operations architecture (Figures 3 & 5, items 502, 504, and 506; Col. 24, lines 13-48).

f) As per claim 6, Bowman-Amuah teaches the claimed invention above and further teaches wherein the netcentric execution architecture includes presentation services, information services, communication services, communication fabric services, transaction services, environment services, base services, and business logic services (Figure 10, items 1000-1024, Col. 31, lines 44-67).

g) As per claim 7, Bowman-Amuah teaches the claimed invention above and further teaches wherein the development architecture includes a common user interface, at least one process management tool, at least one personal productivity tool, at least one quality management tool, at least one systems building tool, at least one environment management tool, at least one program and project management tool, at least one team productivity tool and at least one information management tool (Figures 3, 11, 15, & 28: Display the tools and services available to the user; Col. 18, lines 30-67; Col. 19, lines 1-50).

h) As per claim 8, Bowman-Amuah teaches the claimed invention above and further teaches wherein the operations architecture includes software distribution tools, configuration and asset management tools, fault management and recovery management tools, capacity



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planning tools, performance management tools, license management tools, remote management tools, event management tools, monitoring and tuning tools, security tools, user administration tools, production control tools and help desk tools (Figures 3, 11, 15, & 28: Display the tools and services available to the user; Col. 18, lines 30-67; Col. 19, lines 1-50).

i) As per claim 9, Bowman-Amuah teaches the claimed invention above and further teaches wherein the environment layer includes at least one application for processing business-level processes (Figure 37, item 3704: "Fraud analysis is a business-level process).

j) As per claim 10, Bowman-Amuah teaches the claimed invention above and further teaches wherein the business requirements layer includes at least one application for providing products and services to the users of said netcentric computing system (Figure 37, "Order," "Billing": Billing the customer and allowing the customer to order is providing products and services to the users).

k) As per claim 11, Bowman-Amuah teaches the claimed invention above and further teaches wherein the data architecture layer includes applications for handling data requirements of users of said netcentric computing system (Figure 12, "Message Management": Messages in the netcentric system can be stored and forwarded by the user).

l) As per claim 12, Bowman-Amuah teaches the claimed invention above and further teaches wherein the infrastructure layer supports applications of the application architecture that are used by multiple users of said netcentric computing system (Col. 2, lines 23-39: The services available in the system are broadcasted to a plurality of systems (clients) requiring service).

m) As per claim 13, Bowman-Amuah teaches the claimed invention above and further teaches wherein the hardware/network layer includes at least one server that is connected with an

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Internet connection (Figure 1, items 134 & 125; Col. 10, lines 18-44; Col. 1, lines 28-67; Col. 2, Col. 247, lines 8-21).

n) As per claim 14, Bowman-Amuah teaches the claimed invention above and further teaches wherein the server is a web server (Col. 1, lines 28-67; Col. 2, lines 1-20).

o) As per claim 15, Bowman-Amuah teaches the claimed invention above and further teaches wherein the application architecture layer includes at least one application that provides automated support for a business transaction that involves the transfer of data to or from said netcentric computing system to a user (Figure 37; Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 128, lines 62-67; Col. 129, lines 1-21).

p) As per claim 16, Bowman-Amuah teaches the claimed invention above and further teaches wherein the quality management tools are selected from the group consisting of quality function deployment tools, measurement tools, statistical tools and improvement tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

q) As per claim 17, Bowman-Amuah teaches the claimed invention above and further teaches wherein the system building tools are selected from the group consisting of analysis and design tools, reverse engineering tools, construction tools, testing tools and configuration management tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

r) As per claim 18, Bowman-Amuah teaches the claimed invention above and further teaches wherein the environment management tools are selected from the group consisting of service management tools, systems management tools, update management tools and service planning tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

s) As per claim 19, Bowman-Amuah teaches the claimed invention above and further teaches wherein the program and project management tools are selected from the group consisting of planning tools, scheduling tools, tracking tools and reporting tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

t) As per claim 20, Bowman-Amuah teaches the claimed invention above and further teaches wherein the team productivity tools are selected from the group consisting of e-mail tools, team ware tools, publishing tools, group calendar tools and methodology browsing tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

u) As per claim 21, Bowman-Amuah teaches the claimed invention above and further teaches wherein the information management tools includes folder management tools and repository management tools, wherein said folder management tools and said repository management tools provide access to a common repository of development objects, design documents, source code and data files (Col. 18, lines 30-67; Col. 19, lines 1-50).

v) As per claim 22, Bowman-Amuah teaches the claimed invention above and further teaches wherein the presentation services are selected from the group consisting of desktop manager services, direct manipulation services, forms services, input device services, report and print services, user navigation services, web browser services and window system services (Col. 18, lines 30-67; Col. 19, lines 1-50).

w) As per claim 23, Bowman-Amuah teaches the claimed invention above and further teaches wherein the information services includes database services and document services (Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 48, lines 47-67; Col. 49, lines 1-7).

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x) As per claim 24, Bowman-Amuah teaches the claimed invention above and further teaches wherein the database services include storage services, indexing services, security services, access services and replication/synchronization services (Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 48, lines 47-67; Col. 49, lines 1-7).

y) As per claim 25, Bowman-Amuah teaches the claimed invention above and further teaches wherein the document services include storage services, indexing services, security services, access services, replication/synchronization services and versioning services (Figure 12, "Information"; Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 48, lines 47-67; Col. 49, lines 1-7).

z) As per claim 26, Bowman-Amuah teaches the claimed invention above and further teaches wherein the communication services are selected from the group consisting of core messaging services, specialized messaging services, communication security services, virtual resource services and directory services (Figure 12; Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 55, lines 44-64).

aa) As per claim 27, Bowman-Amuah teaches the claimed invention above and further teaches wherein the communications services include file transfer services, remote procedure call services, message-oriented services and streaming services (Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 68, lines 30-45).

bb) As per claim 28, Bowman-Amuah teaches the claimed invention above and further teaches wherein the specialized messaging services are selected from the group consisting of e-mail messaging services, database access messaging services, object request broker messaging services, computer-telephone integration messaging services, electronic data

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interchange messaging services and legacy integration messaging services (Figure 15, item 1550; Col. 18, lines 30-67; Col. 19, lines 1-50; Col. 76, lines 60-65; Col. 78, lines 34-55).

cc) As per claim 29, Bowman-Amuah teaches the claimed invention above and further teaches wherein the communication security services are selected from the group consisting of encryption services, identification/authentication services and access control services (Figures 11, "Environment;" Col. 79, lines 1-67).

dd) As per claim 30, Bowman-Amuah teaches the claimed invention above and further teaches wherein the virtual resource services are selected from the group consisting of fax services, file-sharing services, paging services, phone services, terminal services, printing services and audio/video services (Figures 11, "Multimedia," Figure 12, "Communication;" Col. 57, lines 35-67).

ee) As per claim 31, Bowman-Amuah teaches the claimed invention above and further teaches wherein the communication fabric services include transport services and network media services (Figure 10, item 1010; Col. 89, lines 25-67; Col 90, lines 1-67).

ff) As per claim 32, Bowman-Amuah teaches the claimed invention above and further teaches wherein the transport services are selected from the group consisting of message transport services, packet forwarding/internet working services, circuit, switching services, transport security services, network address allocation services and quality of service services (Figure 24, item 2402; Col. 89, lines 25-67; Col 90, lines 1-67).

gg) As per claim 33, Bowman-Amuah teaches the claimed invention above and further teaches wherein the network media services include media access services and physical media services (Figure 24, item 2416; Col. 89, lines 25-67; Col 90, lines 1-67).

hh) As per claim 34, Bowman-Amuah teaches the claimed invention above and further teaches wherein the environment services are selected from the group consisting of runtime services, system services, application services, component framework services and operating system services (Figure 27, items 2716, 2702, 2718, & "Operating System"; Col. 253, lines 7-43).

ii) As per claim 35, Bowman-Amuah teaches the claimed invention above and further teaches wherein the runtime services include language interpreter services and virtual machine services (Figure 27, item 2704 & 2706; Col. 98, lines 19-44).

jj) As per claim 36, Bowman-Amuah teaches the claimed invention above and further teaches wherein the system services are selected from the group consisting of system security services, profile management services, environment verification services and task and memory management services (Figure 27, items 2708-2716; Col. 99, lines 12-64).

kk) As per claim 37, Bowman-Amuah teaches the claimed invention above and further teaches wherein the application services are selected from the group consisting application security services, error handling/logging services, state management services, code table services, active help services, file services, application integration interface services and common services (Figure 27, items 2718-2734; Col. 99, lines 56-67; Cols. 101-102; Col. 103, lines 1-13).

ll) As per claim 38, Bowman-Amuah teaches the claimed invention above and further teaches wherein the transaction services are selected from the group consisting of transaction monitor services, resource management services, transaction management services and transaction portioning services (Figure 26; Cols. 95-98).

mm) As per claim 39, Bowman-Amuah teaches the claimed invention above and further teaches wherein the base services are selected from the group consisting of web server services, push/pull services, batch services, base report services and workflow services (Figure 28; Col. 106, lines 8-67; Cols. 107-108; Col. 109, line 1).

nn) As per claim 40, Bowman-Amuah teaches the claimed invention above and further teaches wherein the batch services are selected from the group consisting of driver services, restart/recovery services, batch balancing services and batch report services (Col. 107, lines 49-67; Col. 108, lines 1-48).

oo) As per claim 41, Bowman-Amuah teaches the claimed invention above and further teaches wherein the workflow services are selected from the group consisting of role management services, route management services, rule management services and queue management services (Figure 28, item 2890; Col. 116, lines 19-67; Col. 117, lines 1-49).

pp) As per claim 42, Bowman-Amuah teaches the claimed invention above and further teaches the business logic services are selected from the group consisting of interface logic, application logic and database abstraction (Figure 33, item 3300-3304; Col. 119, lines 24-49).

qq) As per claim 43, Bowman-Amuah teaches the claimed invention above and further teaches wherein the operations architecture includes a plurality of operations tools, wherein the operations tools are selected from the group consisting of software distribution tools, configuration and asset management tools, fault management and recovery tools, capacity planning tools, performance management tools, license management tools, remote management

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tools, event management tools, monitoring and tuning tools, security tools, user administration tools, production control tools and help desk tools (Col. 18, lines 30-67; Col. 19, lines 1-50).

rr) As per claim 44, Bowman-Amuah teaches a netcentric computing system, comprising; a business solutions architecture layer including an environment layer, a business requirements layer and a data architecture layer (Figure 48: "Environment," "Business Requirements," & "Data Architecture" are all parts of the Business Perspective), an application architecture layer in communication with said business solutions layer (Figure 48, "Application"), a technical architecture layer that includes an infrastructure layer and a system software layer in communication with said application architecture layer (Figure 48, "Infrastructure" & "System Software" are both parts of the technical architecture layer), said system software layer including a netcentric execution architecture, a development architecture and an operations architecture (Figure 3), and a platform architecture layer in communication with said technical architecture layer, wherein said platform architecture layer includes a hardware/network layer (Figure 48, "Hardware/Network" is part of the platform architecture layer ), (Col. 33, lines 8-63: Wherein three-tiered architectures and sometimes an extra application layer all communicate with each other; Col. 160, lines 59-67; Col. 161, lines 1-26).

ss) As per claim 45, Bowman-Amuah teaches the claimed invention above and further teaches wherein the netcentric execution architecture includes presentation services, information services, communication services, communication fabric services, transaction services, environment services, base services, and business logic services (Figure 10, items 1000-1024, Col. 31, lines 44-67).



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tt) As per claim 46, Bowman-Amuah teaches the claimed invention above and further teaches wherein the development architecture includes a common user interface, at least one process management tool, at least one personal productivity tool, at least one quality management tool, at least one systems building tool, at least one environment management tool, at least one program and project management tool, at least one team productivity tool and at least one information management tool (Figures 11 & 12; Col. 31, lines 44-67; Col. 32, lines 1-55; Col. 18, lines 30-67; Col. 19, lines 1-50).

14. As per claim 47, Bowman-Amuah teaches the claimed invention above and further teaches wherein the operations architecture includes software distribution tools, configuration and asset management tools, fault management and recovery management tools, capacity planning tools, performance management tools, license management tools, remote management tools, event management tools, monitoring and tuning tools, security tools, user administration tools, production control tools and help desk tools (Figures 11 & 12; Col. 31, lines 44-67; Col. 32, lines 1-55; Col. 18, lines 30-67; Col. 19, lines 1-50).

### ***Response to Arguments***

15. Applicant's arguments filed August 4, 2004 have been fully considered but they are not persuasive. The applicants argued in substance that the prior art of record contained subject matter conceived by the inventor and not Bowman-Amuah, and therefore does not constitute an invention by "others" as required by 35 USC 102(e). In support of applicants position, applicants submitted, in part, mappings of the disclosure relied upon by the examiner in Bowman-Amuah, to the disclosure found in "Goodyear" and to the invention as claimed.

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However, the mappings of the cited portions of Bowman-Amuah to the teaching found in Goodman is incomplete. For instance, those portions of Bowman-Amuah relied upon by the examiner in the previous rejection must be taught entirely by "Goodyear," and not by an "other." However, as to claims 1 and 44, applicants assert in the table of paragraph 7, that "Fig. 48; col. 160, lines 59 to 62" of Bowman-Amuah correspond to "pp. 3-6 to 3-8, including Exh. 2." In the Office action, however, the examiner relied on Fig. 48, **col. 33, lines 8-63, col. 160, lines 59-67 and col. 161, lines 1-26.**

In order to overcome a rejection under 35 USC 102(e) by showing that disclosure relied on is applicant's own work, applicants must submit "an affidavit or declaration under 37 CFR 1.132 establishing that the relevant disclosure is applicant's own work. In re Mathews, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969)." MPEP 2136.05. The applicants are requested to point out those sections of "Goodyear" that are the relevant disclosure of Bowman-Amuah as relied upon in the previous rejection.

Additionally, the applicants have requested that the double patenting rejection be held in abeyance until allowable subject matter has been indicated. Applicant is reminded in order to be fully responsive to this Office action, the applicant **MUST** respond to all rejections presented.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**PAUL H. KANG**  
**PRIMARY PATENT EXAMINER**